

"Making a Difference"

**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Tentative Notice of Action

MEETING DATE January 21, 2005		CONTACT/PHONE Andrea Miller 781-4171		APPLICANT Brett and Deborah Rash		FILE NO. DRC2004-00112	
EFFECTIVE DATE February 5, 2005							
SUBJECT Request by Brett Rash to modify secondary dwelling standards to allow a 1,125 square foot existing mobile home as a secondary dwelling, 330 feet from the proposed 1,200 square foot mobile home to be the primary residence, on a 4.9 acre property. The project is located at 547 Applegate Way, south of the city of Arroyo Grande, in the Inland South County planning area.							
RECOMMENDED ACTION Approve Minor Use Permit DRC2004-00112 based on the findings listed in Exhibit A and the conditions listed in Exhibit B							
ENVIRONMENTAL DETERMINATION A Class 3 Categorical Exemption (ED04-253) was issued on December 9, 2004							
LAND USE CATEGORY Rural Residential		COMBINING DESIGNATION None		ASSESSOR PARCEL NUMBER 091-111-026		SUPERVISOR DISTRICT(S) 1 2 3 4 5	
PLANNING AREA STANDARDS: Rural Residential Land Use Category – South County Inland Area Plan Does the project meet applicable Planning Area Standards: Yes - see discussion							
LAND USE ORDINANCE STANDARDS: 22.08.169 - Secondary Dwellings 22.08.163 - Individual mobile homes Does the project conform to the Land Use Ordinance Standards: Yes - see discussion							
FINAL ACTION This tentative decision will become final action on the project, effective on the 15 th day following the administrative hearing, or on February 5, 2005, if no hearing was requested unless this decision is changed as a result of information obtained at the hearing or is appealed.							
EXISTING USES: Single family residence, one double car garage and two small sheds.							
SURROUNDING LAND USE CATEGORIES AND USES: North: Residential Rural; Residential East: Residential Rural; Residential South: Residential Rural; Residential West: Residential Rural; Residential							
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, City of Arroyo Grande, Agricultural Commissioner's Office, CDF							
TOPOGRAPHY: Level to gently sloping				VEGETATION: Oak Tress, grasses			

4A-2

COMMUNITY ADVISORY GROUP COMMENTS:

The project is not within an advisory group area.

AGENCY REVIEW:

Public Works – Recommends approval, no concerns.

City of Arroyo Grande – The City recognizes that second dwellings are encouraged in the RS and RR fringe areas; no objection to the size and location. The city requests that fire and traffic impact fees be paid to the City as well as the county.

Agricultural Commissioner's Office – Suggest to disclose to purchasers of these properties concerning the nature of the neighboring agricultural activities, hours of operation, and the county's Right-to-Farm Ordinance.

CDF-No comment's received

Staff report prepared by Andrea Miller and reviewed by Chuck Stevenson

44-3

PROPOSED SERVICES:

Water supply: On-site well

Sewage Disposal: Individual septic system

Fire Protection: CDF

ACCEPTANCE DATE:

December 9, 2004

ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT:
COUNTY GOVERNMENT CENTER, SAN LUIS OBISPO, CALIFORNIA 93408, (805) 781-5600, Fax: (805) 781-1242

DISCUSSION

PLANNING AREA STANDARDS:

None Applicable

LAND USE ORDINANCE STANDARDS:

22.30.470 - Secondary Dwellings. Secondary dwellings are allowed in the Rural Residential Land use category by this title pursuant to the authority established by Section 65852.2 et seq. of the California Government Code. A secondary dwelling shall be accessory to a primary dwelling and the owner of the site must agree to occupy one unit on the site as his or her primary residence. A secondary dwelling is allowed only on a site that has frontage on a road or private easement that is maintained by the county, state or special district. The property in question has frontage on a private easement.

For sites less than 20 acres in the Residential Rural category, the secondary dwelling should be located within 250 feet of the primary dwelling. However, due to the oak trees and topography of this site, it is necessary to locate the proposed dwelling unit approximately 330 feet from the existing residence in order to eliminate the need for tree removal and the potential for excessive grading and potential erosion and drainage problems. The site contains a relatively steep hill creating the need for a larger separation between the existing residence and proposed residence. Therefore, staff can support this Minor Use permit to modify the standard and allow construction of the proposed primary dwelling 330 feet from the existing dwelling.

22.30.450 - Individual mobile homes

The following requirements apply:

Siding materials - Exterior siding is to consist of non-reflective materials designed to resemble wood, stucco, masonry or concrete block or other non-reflective, textured surface.

Roofing materials - Roofs are to consist of non-reflective materials designed to resemble wood shakes, wood or composition shingles, tile, rock, sod, or metal with baked-on color or other non-reflective, textured surface.

Roof overhang - Roofs shall have eave and gable overhangs of not less than one foot as measured from the vertical side of the structure.

484

EXHIBIT A - FINDINGS

CEQA Exemption

- A. The project qualifies for a Categorical Exemption (Class 3) pursuant to CEQA Guidelines Section 15303(a) because it is a secondary dwelling in a residential zone.

Minor Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the addition of a secondary dwelling does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the secondary dwelling is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located along Applegate Way, a private easement, paved and constructed to a level able to handle any additional traffic associated with the project.

Secondary Dwelling Adjustments

- G. Modification of the distance a secondary dwelling can be located from a primary dwelling from 250 feet to approximately 330 is justified because the area within 250 feet consists of oak trees and relatively steep slopes that would require significantly more grading and tree removal than the proposed location.
- H. Modification of the square footage to allow a second unit of 1,200 square feet is justified because the proposed project will have a density of one residence per approximately 2.5 acres, which is similar to surrounding properties, which could potentially be developed to an average density of one residence per approximately 3 acres.

4876

EXHIBIT B - CONDITIONS OF APPROVAL

Approved Development

1. This approval authorizes the use of a 1,125 square foot mobile home as secondary dwelling, to be located up to approximately 330 feet from the proposed 1,200 square foot residence.
2. All development shall be consistent with the approved site plan.

Fire Safety

3. **Prior to issuance of a construction permit**, the applicant shall provide the county Department of Planning and Building with a fire safety plan approved by the county Fire Department (CDF).
4. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from CDF of all required fire/life safety measures.
5. **Prior to issuance of a construction permit**, the applicant shall pay City of Arroyo Grande fire and traffic impact fees.

Services

6. **Prior to issuance of construction permit**, the applicant shall submit evidence that there is adequate water to serve the proposal, on the site.
7. **Prior to issuance of construction permit**, the applicant shall submit evidence that a septic system, adequate to serve the proposal, can be installed on the site.

Owner Occupancy Requirement

8. The property owner of the site agrees to occupy one unit on the site as his or her primary residence. **Prior to final inspection**, the property owner shall record a notice against the property notifying any subsequent purchaser that failure to meet this requirement will result in abatement of the second unit by the county pursuant to Chapter 22.10 of the County Land Use Ordinance.

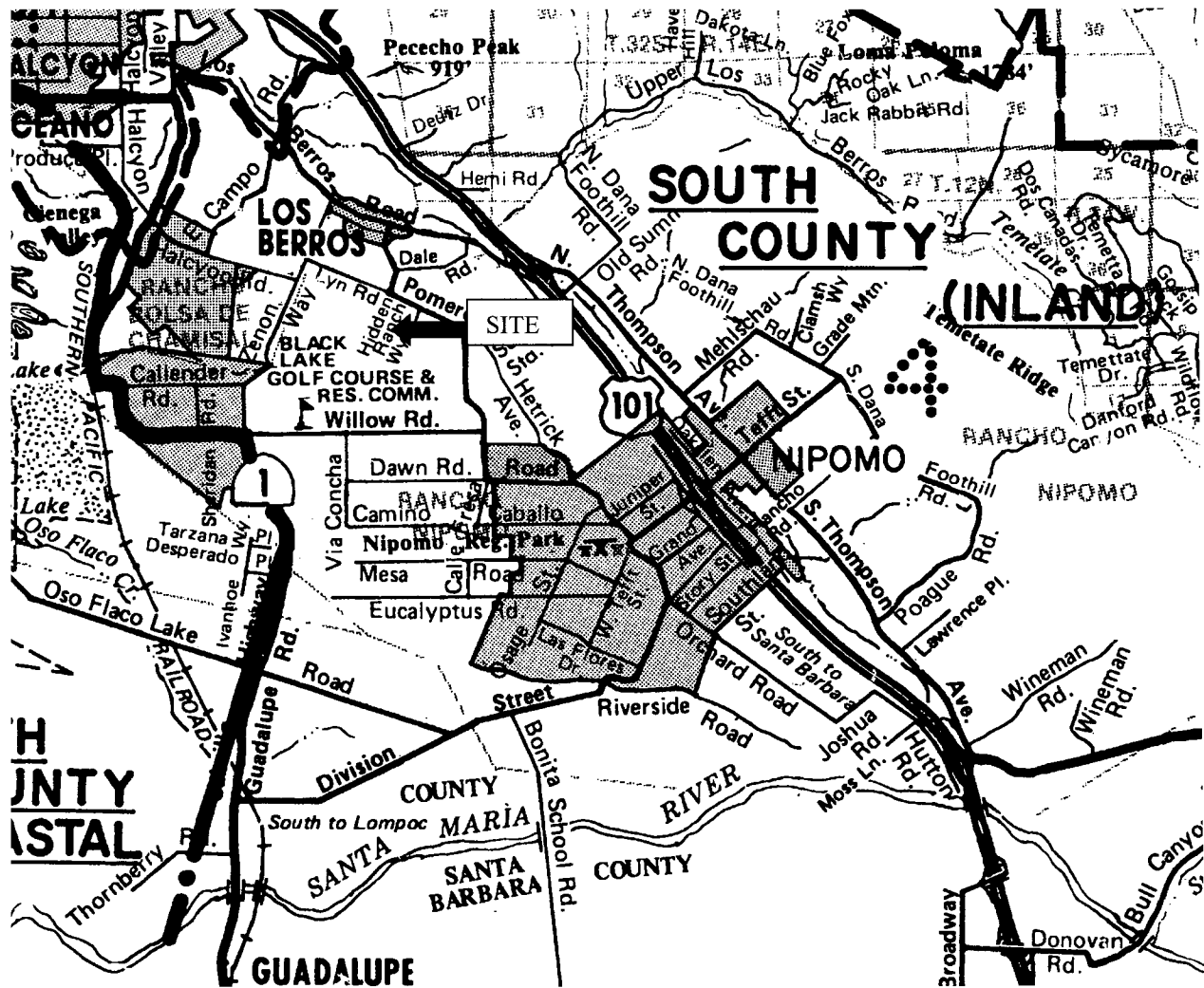
Design

9. Exterior siding is to consist of non-reflective materials designed to resemble wood, stucco, masonry or concrete block or other non-reflective, textured surface.
10. The roof shall consist of non-reflective materials designed to resemble wood shakes, wood or composition shingles, tile, rock, sod, or metal with baked-on color or other non-reflective, textured surface.
11. The roof shall have eave overhangs of not less than one foot as measured from the vertical side of the structure.

Miscellaneous

12. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.
13. Applicant must disclose to future purchasers of this property concerning the nature of the neighboring agricultural activities, hours of operation, and the county's Right-to-Farm Ordinance.
14. This permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070.

421-7



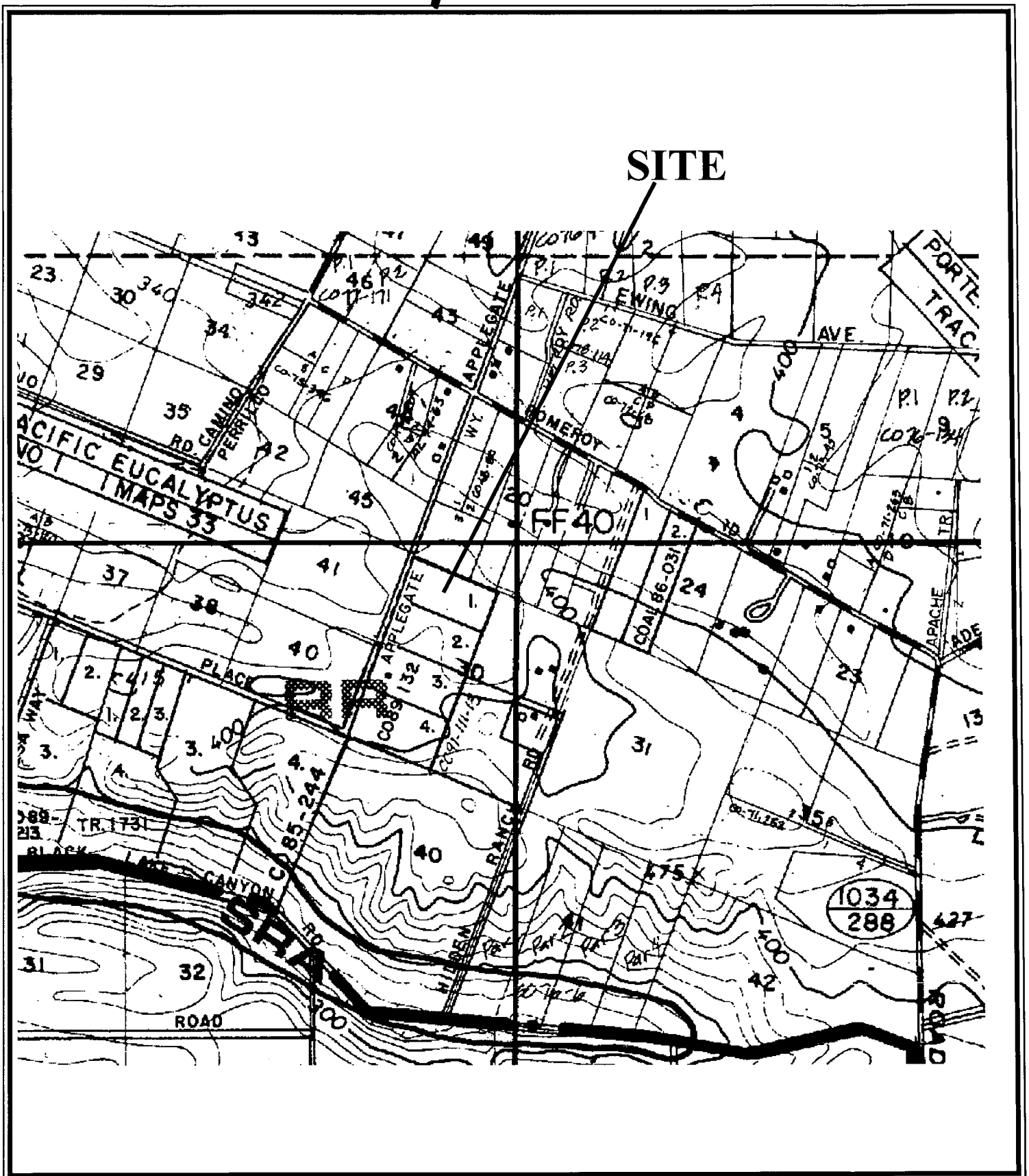
Rash

Vicinity Map

DRC2004-00112

County of San Luis Obispo Department of Planning & Building

4 BT-8



Rash

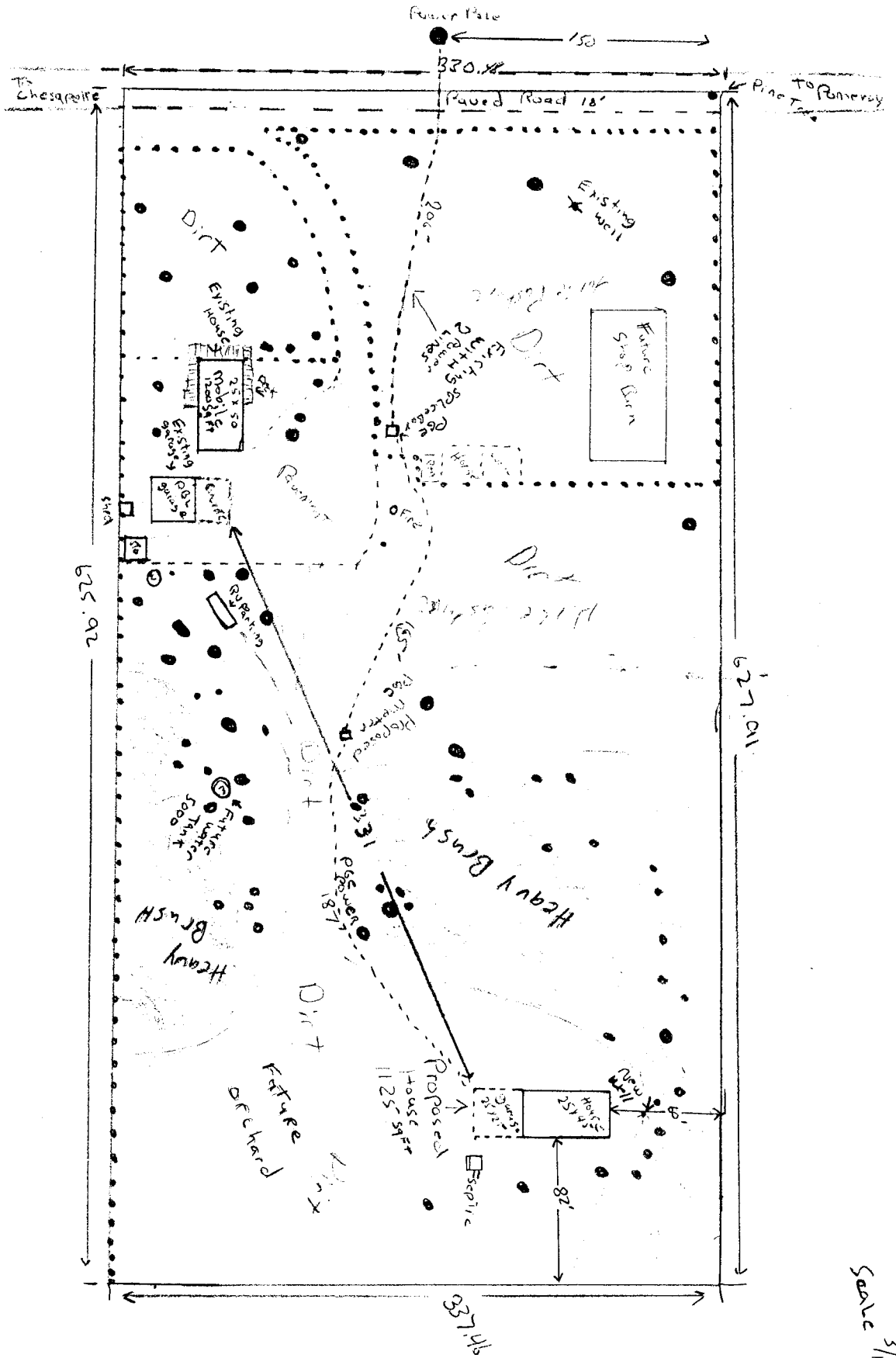
DRC2004-00112

County of San Luis Obispo Department of Planning & Building

Land Use Category Map

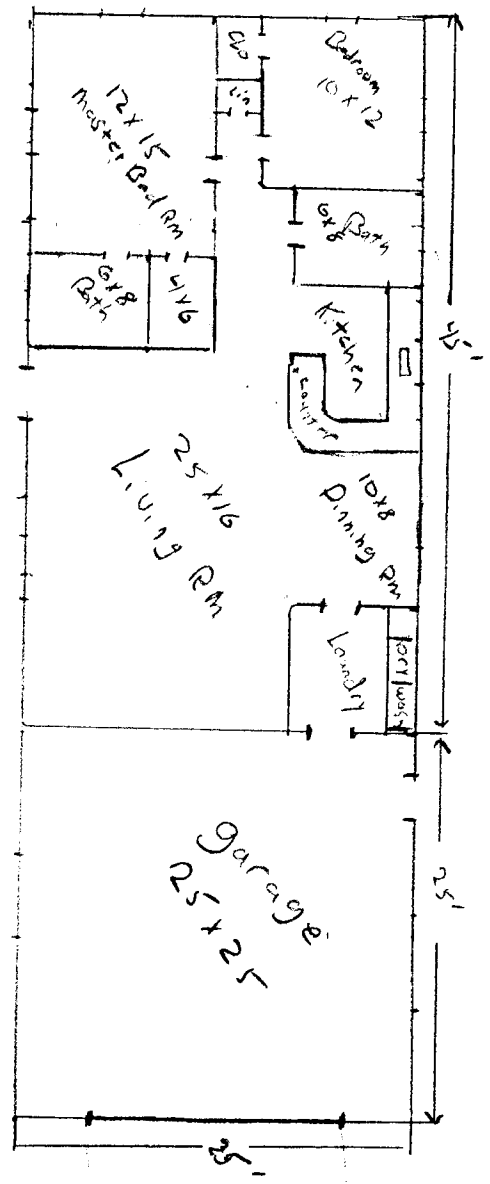
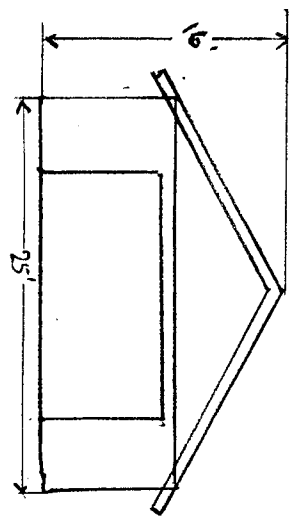
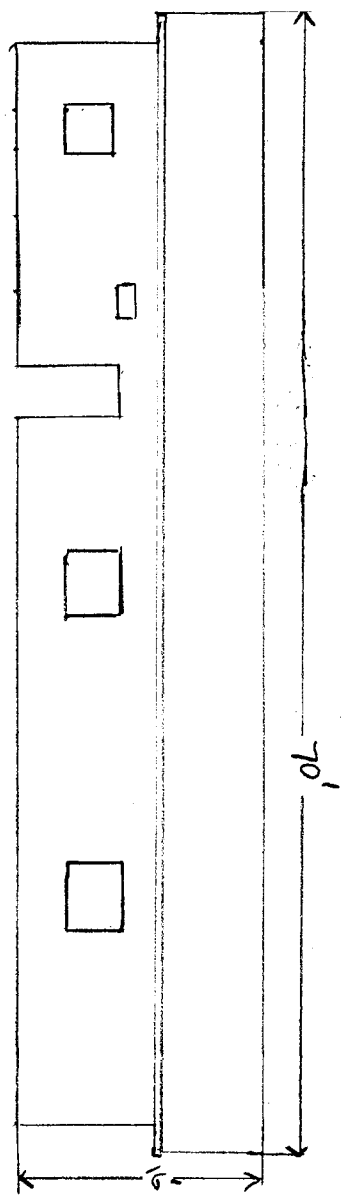
approximate way

448-9



Scale 3/16" = 10'

481-10



1/8" = 1'



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SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

AM

DEC - 2

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE:

12/1/04

From

PLW

RASH

FROM:

South Co. Team

DRC 2004-00112

(Please direct response to the above)

Project Name and Number

* 5 Acres
* Arroyo Grande / Applegate Way.

Development Review Section (Phone: 788-2009)

*OR ASK THE SWITCH-BOARD FOR THE PLANNERS

APN: 091-111-026

PROJECT DESCRIPTION:

MUP → Modify secondary dwelling standards to allow an increase from 800 sq. ft size dwelling at the location to be more than 250' from primary residence.

Return this letter with your comments attached no later than:

12/16/04

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

☒ YES
☐ NO

(Please go on to Part II)

(Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☒ NO
☐ YES

(Please go on to Part III)

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

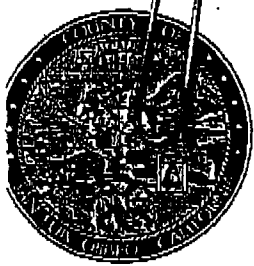
INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

RECOMMEND APPROVAL - NO CONCERNS

17 Dec 2004
Date

Goodwin
Name

5252
Phone



Am

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

RECEIVED

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DEC 6 2004

CITY OF ARROYO GRANDE
COMMUNITY DEVELOPMENT

RASH

DATE:

TO:

FROM:

Acres

Arroyo Grande / Applegate Way.

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City recognizes That second dwellings are encouraged in RS and RR fringe areas. No objection to size or location. City requests That fire and traffic impact fees be paid to City as well as County. ~~to include fire service~~

Dec 6, 2004

Rob Strong, Community Development Director
 Name City of Arroyo Grande

4735420

Phone

4813



COUNTY OF SAN LUIS OBISPO

Department of Agriculture/Measurement Standards

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556
ROBERT F. LILLEY (805) 781-5910
AGRICULTURAL COMMISSIONER/SEALER FAX (805) 781-1035

AgCommSLO@co.slo.ca.us

DATE: December 20, 2004
TO: Andrea Miller, Mapping/Graphics Specialist
FROM: Lynda L. Auchinachie, Agriculture Department JA
SUBJECT: Rash Minor Use Permit DRC2004-00112 (0980)

Summary

The applicant is requesting to modify secondary dwelling standards on a five-acre site in area of avocado and vegetable production. The Agriculture Department's review finds that the proposal to modify secondary dwelling standards would result in **less than significant impacts** to agricultural resources or operations with the incorporation of the following mitigation measures into the project.

Recommended Mitigation Measures

1. Provide supplemental disclosure to purchasers of these properties concerning the nature of the neighboring agricultural activities, hours of operation, and the county's Right-to-Farm Ordinance.

The comments and recommendations in our report are based on policies in the San Luis Obispo County Agriculture and Open Space Element, the Land Use Ordinance, the California Environmental Quality Act (CEQA), and on current departmental policy to conserve agricultural resources and to provide for public health, safety and welfare while mitigating negative impacts of development to agriculture.

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A. Project Description and Agricultural Setting

The applicant is requesting to modify secondary dwelling standards on a five-acre parcel within the Residential Rural land use category. The project site is located on Applegate Way, on the Nipomo Mesa. Avocado groves are generally located to the southeast and southwest. The property directly west of the project site has been used for vegetable production. Surrounding properties are within the Residential Rural land use category.

B. Impacts to Adjacent Agricultural Lands

One of the primary goals of the Agriculture and Open Space Element is to ensure the long-term viability of agricultural resources and operations. Part of the land use review process is to identify potential land use conflicts between proposed development and existing production agriculture.

The proposed secondary dwelling is an adequate distance from nearby agricultural operations. A buffer is not recommended, however, the occupants of the structure should be notified about neighboring agricultural activities and the county's Right-to-Farm Ordinance.

C. Recommended Mitigation Measures

1. Provide supplemental disclosure to purchasers of these properties concerning the nature of the neighboring agricultural activities, hours of operation, and the county's Right-to-Farm Ordinance.

If we can be of further assistance, please call 781-5914.